

REMARKS

Claims 1-16, 18, and 20-23 are pending in this application after this Amendment. Claims 1, 8, 13, 16, and 23 are independent. Claims 17 and 19 have been canceled without prejudice or disclaimer to the subject matter contained therein. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1, 2, 4-5, and 8 under 35 U.S.C. § 102(a) as being anticipated by *Devine et al.* (USP 6,631,402); rejected claim 16 under 35 U.S.C. § 102(b) as being anticipated by *Anderson et al.* (USP 5,974,396); rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Devine et al.* in view of *Cunningham et al.* (USP 6,029,139); rejected claims 6-7 under 35 U.S.C. § 103(a) as being unpatentable over *Devine et al.* in view of *Amado* (USP 5,701,400); rejected claims 13-14 and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Devine et al.* in view of *Kanor et al.* (USP 6,384,728); rejected claims 9-10 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Devine et al.* in view of *Anderson et al.*; rejected claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Devine et al.* and *Anderson et al.* and further in view of *Kanor et al.*; and rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Anderson et al.* in view of *Kanor et al.* Applicants respectfully traverse these rejections.

Claim Rejections - 35 U.S.C. § 102 - *Devine et al.*

By this Amendment, Applicants have amended some of the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

The present invention as provided in claim 1 recites, *inter alia*, a data display interface, the interface comprising a button for displaying one of a plurality of reports containing information relating to usage of a plurality of specific incontinence products pertaining to a selected institution and a selected period. It is respectfully submitted that claim 1, as amended, is not anticipated by *Devine et al.*

The disclosure of *Devine et al.* is directed to an integrated proxy interface for a web based report requester tool set. The web based reporting system provides a common GUI enabling the requesting, customizing, scheduling, and viewing of various types of reports generated by different server applications and/or application platforms. (Abstract). However, there is no discussion in *Devine et al.* that is directed to information relating to usage of a plurality of specific incontinence products. In fact, the Examiner admits, in paragraph 7 of the outstanding Official Action that *Devine et al.* fails to teach or suggest data relating to incontinence products. As *Devine et al.* fails to teach or suggest

all of the claimed elements of claim 1, it is respectfully submitted that *Devine et al.* fails to anticipate claim 1. As such, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-7 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claim 8 contains elements similar to those discussed above with regard to claim 1 and, thus, claim 8, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

Claim Rejections - 35 U.S.C. § 102(b) - *Anderson et al.*

The present invention as set forth in claim 16 recites, *inter alia*, a product cost control method comprising the steps of storing data representative of use of a plurality of specific incontinence products. It is respectfully submitted that *Anderson et al.* fails to anticipate the present invention.

The disclosure of *Anderson et al.* is directed to a method and system for gathering and analyzing consumer purchasing information based on product and consumer clustering relationships. The method and system allow for gathering and analyzing customer purchasing information permitting a retailer or a retail chain to process transactional information involving a large number of consumers and consumer products. However, there is no discussion in *Anderson et*

al. that teaches or suggests storing data representative of use of a plurality of specific incontinence products as recited in claim 16. As *Anderson et al.* fails to teach or suggest all of the elements of the claimed invention, it is respectfully submitted that claim 16, together with claims dependent thereon, are not anticipated by *Anderson et al.* It is respectfully requested that the outstanding rejection be withdrawn.

**Claim Rejections - 35 U.S.C. § 103 -
*Devine et al./Kanor et al.***

In support of the Examiner's rejection of claim 13, the Examiner admits that *Devine et al.* fails to teach or suggest data relating to incontinence products. However, the Examiner relies on the teachings of *Kanor et al.* to cure the deficiencies of the teachings of *Devine et al.*, asserting *Kanor et al.* teaches monitoring of incontinence products, citing to col. 2, lines 35-65. Applicants respectfully disagree with the Examiner's characterization of this reference.

In order to sustain a rejection under 35 U.S.C. § 103(a), it is respectfully submitted that the Examiner must meet his burden to establish a *prima facie* case. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the reference

teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The disclosure of *Kanor et al.* is directed to a personal care monitoring system. The monitoring system includes at least one condition detecting sensor and a corresponding condition indicator. The condition detecting sensor may indicate a detection of wetness or that the physical position of the wearer of the device has not been adjusted for over a predetermined amount of time after which the likelihood of the development of bedsores increases. The corresponding condition indicator alerts one of the user's senses that the monitored condition has been detected. (Abstract).

Kanor et al. specifically provides at col. 2, lines 35-65 that as certain conditions have been detected, these conditions may record the event and further record the time elapsed between the emission of the indicator signal and attendance to the patient. Applicants disagree that the teachings of *Kanor et al.* cure the deficiencies of the teachings of *Devine et al.* There is no specific teaching in *Kanor et al.* that is directed to identifying particular incontinence products, nor storing usage information about these products. The personal care monitoring system of *Kanor et al.* is merely directed to detecting wetness of a patient and storing event information.

Additionally, Applicants note that these two references are not combinable. The invention of *Devine et al.* is directed to an integrated proxy interface for a web based report requestor tool set. *Devine et al.* seeks to provide a web based reporting system that provides a common GUI enabling the requesting, customizing, scheduling, and viewing of various types of reports generated by different server applications and/or application platforms.

In contrast, the disclosure of *Kanor et al.* is directed to a personal care monitoring system that includes condition detecting sensors and a corresponding condition indicator. The condition detector sensor indicates detection of wetness, such as caused by enuresis. The condition-detecting sensor may also indicate that the physical position of the wearer of the device has not been adjusted over a predetermined amount of time after which the likelihood of the development of bedsores increases. It is respectfully submitted that one of ordinary skill in the art would not look to the teachings of *Kanor et al.* to modify the teachings of *Devine et al.* As the invention of *Devine et al.* is not analogous to the invention as set forth in *Kanor et al.*, and as these two references set forth different problems to be solved, Applicants maintain that these references are not combinable.

As the Examiner has failed to provide combinable references that teach or suggest all of the claimed elements, it is respectfully submitted that the Examiner has failed to establish

prima facie obviousness under 35 U.S.C. § 103(a). As such, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 14-15 and 22 are allowable for the reasons set forth above with regard to claim 13 at least based upon their dependency on claim 13.

By this Amendment, Applicants have added new independent claim 23 for consideration by the Examiner. It is respectfully submitted that claim 23 contains elements similar to at least one of the independent claims discussed above and, thus, claim 23 is allowable based upon at least one of the reasons discussed above.

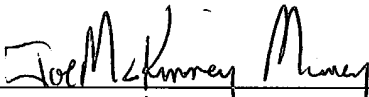
Conclusion


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Joe McKinney Muncy, #32,334


KM/CMV/jdm
3613-0102P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

(Rev. 02/12/2004)